

File



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,209	03/16/2001	Russell A. Brockhurst	066485.0113	9111

7590

07/23/2004

Kevin R. Imes
Baker Botts L.L.P.
Suite 600
2001 Ross Avenue
Dallas, TX 75201

EXAMINER

NGUYEN, HAI V

ART UNIT	PAPER NUMBER
----------	--------------

2142

DATE MAILED: 07/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/811,209

Applicant(s)

BROCKHURST, RUSSELL A.

Examiner

Hai V. Nguyen

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/12/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: IDS received 4/17/02; 9/10/02.

DETAILED ACTION

1. This Office Action is in response to the application filed on 16 March 2001.
2. Claims 1-42 are presented for examination.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wittsche** US patent no. 6,556,975 B1 in view of **Teveler** et al. US patent application publication no. **2001/0034663 A1**.

5. As to claim 1, Wittsche, Computer System And Method For Providing An On-Line Mall, discloses a cross-enterprise system comprising:

a first portal (*Wittsche, on-line mall 112*) operably associated with a distributed component (*Wittsche, store*) stored within a storage medium (*Wittsche, store database server 118*) accessible by a second port; and however, Wittsche does not explicitly disclose a cross-enterprise environment established between the first portal and at least the second portal using the distributed component. Thus, the artisan would have been motivated to look into the related networking art for potential system for implementing a cross-enterprise environment established between the first portal and at least the second portal using the distributed component.

In the same field of endeavor, Teveler, related Electronic Contract Broker And Contract Market Maker Infrastructure, discloses in an analogous art, discloses a cross-enterprise environment (*Teveler, trading system environment*) established between the first portal (*Teveler, Internet malls or e-malls*) and at least the second portal (*Teveler, Portal's store site*) using the distributed component (*Teveler, Fig. 21, page 17, paragraphs [0195]-[0196]*).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention made to have incorporated Teveler's teachings of the trading environment with the teachings of Wittsche, for the purpose of *providing improved elements and arrangements thereof in an electronic contract broker and contract market maker infrastructure for the purpose described which is inexpensive, dependable and fully effective (Teveler, page 3, paragraph [0034]) and providing a buyer with a discount on an original purchase of a product or service, or for the extension of credit, by typing the original transaction to a contract for the long term purchase of one or more commodities, and the subsequent and bundling the contractual commitment of a plurality of buyer contracts for action to commodity providers (Teveler, page 4, paragraph [0072]) or the advancement in the ability to place multiple retailers in front of a customer in one location (Wittsche, col. 1, lines 38-43).*

6. As to claim 2, Wittsche-Teveler discloses the distributed component distributed from at least one supply chain (*Teveler, example, Wal-Mart chain, Target chain, page 6, paragraph [0089]*).

Art Unit: 2142

7. As to claim 3, Wittsche-Teveler discloses a global identifier (*Teveler, buyer's ID*) associated with the distributed component and the first and second portal (*Teveler, page 11, paragraphs [0125]-[0128]*).

8. As to claim 4, Wittsche-Teveler discloses a dedicated workspace associated with the distributed component (*Teveler, Fig. 5, working object 500; page 11, paragraph [0131]*).

9. As to claim 5, Wittsche-Teveler discloses distributed access locations (*Teveler, kiosks, remote terminals; Wittsche, community web servers*).

10. As to claim 6, Wittsche-Teveler discloses a method of providing a portal to portal environment, comprising:

providing a component (*Teveler, a store; Wittsche, a store*) associated with a supplier portal (*Teveler, retail merchants, e-malls; Wittsche, on-line mall*); and

distributing the component to a user portal (*Teveler, customer; Wittsche, customer*), the component operable to provide an association between the supplier portal and the user portal (*Wittsche, col. 3, line 25 – col. 4, line 48; Teveler, user ID, merchant ID, session ID*).

11. As to claim 7, Wittsche-Teveler discloses, wherein the component comprises distributing an encapsulated component (*Teveler, SIMPLET*).

12. As to claim 8, Wittsche-Teveler discloses a global identifier (*Teveler, merchant ID*) associated with the component.

Art Unit: 2142

13. As to claim 9, Wittsche-Teveler discloses distributing the component to plural user portals (*Wittsche*, col. 1, lines 45-60; col. 4, line 49 – col. 5, line 11; *Teveler*, pages 2, 3; paragraphs [0023]-[0034]).

14. As to claim 10, Wittsche-Teveler discloses distributing the component from the user portal to a second user portal (*Wittsche*, col. 1, lines 45-60; col. 4, line 49 – col. 5, line 11; *Teveler*, pages 2, 3; paragraphs [0023]-[0034]).

15. As to claim 11, Wittsche-Teveler discloses identifying a workspace associated with the component (*Teveler*, Fig. 5, working object 500; page 11, paragraph [0131]).

16. As to claim 12, Wittsche-Teveler discloses a distributed portal to portal system comprising:

at least one supplier portal operable to provide communication between a plurality of networks (*Wittsche*, col. 1, lines 45-60; col. 4, line 49 – col. 5, line 11; (*Teveler*, page 4; paragraphs [0073]-[0076]);

at least one encapsulated component operably associated with the at least one supplier portal (*Teveler*, page 4; paragraphs [0073]-[0076]; page 11, paragraphs [0125]-[0128]); and

at least one user portal, operable to receive a plurality of distributed encapsulated components (*Teveler*, page 4; paragraphs [0073]-[0076], page 11, paragraphs [0125]-[0128]; *Wittsche*, Fig. 5, customer's computer 10).

17. As to claim 13, Wittsche-Teveler discloses, wherein the plurality of distributed encapsulated components include a global identifier operable to globally identify the

Art Unit: 2142

distributed component (*Teveler*, page 4; paragraphs [0073]-[0076]; page 11, paragraphs [0125]-[0128]).

18. As to claim 14, Wittsche-Teveler discloses a retail mall environment operably associated with the at least one supplier portal (*Teveler*, page 4; paragraphs [0073]-[0076], page 9, [0116]-[0118], page 11, paragraphs [0125]-[0128]; Wittsche, Fig. 5).

19. As to claim 15, Wittsche-Teveler discloses a business to business cross enterprise environment associated with the at least one supplier portal and the at least one user portal (*Teveler*, Fig. 1, commodity providers, original merchants).

20. As to claim 16, Wittsche-Teveler discloses a legacy front end component operable to provide access between a legacy system and the at least one supplier portal (*Teveler*, page 4; paragraphs [0073]-[0076], page 9, [0116]-[0118], page 11, paragraphs [0125]-[0128]; Wittsche, Fig. 5).

21. As to claim 17, Wittsche-Teveler discloses, wherein the at least one user portal comprises the at least one supplier portal (*Teveler*, page 4; paragraphs [0073]-[0076], page 9, [0116]-[0118], page 11, paragraphs [0125]-[0128]; Wittsche, Fig. 5).

22. As to claim 18, Wittsche-Teveler discloses a secure network system comprising:
an unbounded network (*Teveler*, Internet) operable to serve a plurality of servers and end users;

a bounded network (*Teveler*, private network or virtual private network)
comprised within the unbounded network, the bounded network operable to serve a limited number of servers and end users;

a plurality of distributed access points (*Teveler, kiosks, remote terminals; Wittsche, community web servers*) operable to divert network traffic associated with the servers within the bounded network from the unbounded network; and each access point operable to intercept network traffic originating from a distinct group of workstations (*Teveler, kiosks intercepting the customers' accesses*) (*Teveler, page 4; paragraphs [0073]-[0076], page 9, [0116]-[0118], page 11, paragraphs [0125]-[0128]*).

23. As to claim 19, Wittsche-Teveler discloses each access point operable to consolidate traffic for a subset of servers within the bounded network (*Teveler, page 4; paragraphs [0073]-[0076], page 9, [0116]-[0118], page 11, paragraphs [0125]-[0128]*).

24. As to claim 20, Wittsche-Teveler discloses wherein the access points comprise network devices (*Teveler, page 4; paragraphs [0073]-[0076], page 9, [0116]-[0118], page 11, paragraphs [0125]-[0128]*).

25. As to claim 21, Wittsche-Teveler discloses wherein the access points comprise portals (*Teveler, page 4; paragraphs [0073]-[0076], page 9, paragraphs [0116]-[0118], page 11, paragraphs [0125]-[0128]; Wittsche, Figs. 3, 4*).

26. As to claim 22, Wittsche-Teveler discloses wherein the access points comprise filters operable to limit network traffic to properly formatted and otherwise legitimate traffic associated with the servers within the bounded network (*Teveler, the amount of contractual obligation in a particular category, page 4, paragraphs [0073]-[0076]; page 9, paragraphs [0116]-[0118], page 11, paragraphs [0125]-[0128]*).

Art Unit: 2142

27. As to claim 23, Wittsche-Teveler discloses wherein the access points comprise network devices (*Teveler*, page 4; paragraphs [0073]-[0076], page 9, [0116]-[0118], page 11, paragraphs [0125]-[0128]).

28. As to claim 24, Wittsche-Teveler discloses wherein the access points comprise portals (*Teveler*, page 4; paragraphs [0073]-[0076], page 9, [0116]-[0118], page 11, paragraphs [0125]-[0128]).

29. As to claim 25, Wittsche-Teveler discloses, wherein the access points comprise filters operable to limit network traffic to properly formatted and otherwise legitimate traffic associated with the servers within the bounded network (*Teveler*, limiting the network traffic based on the amount of contractual obligations in a particular category, page 4, paragraphs [0073]-[0076]; page 9, paragraphs [0116]-[0118], page 11, paragraphs [0125]-[0128]).

Claim Rejections - 35 USC § 103

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. Claims 26-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Wittsche-Teveler** as applied to claims 1-25 above, and further in view of **Hu** US patent no. **6,173,322 B1**.

32. As to claim 26, Wittsche-Teveler does not explicitly disclose capacity limitors operable to balance the traffic associated with specific servers within the bounded

Art Unit: 2142

network. Thus, the artisan would have been motivated to look into the related networking art for potential system for implementing capacity limitors operable to balance the traffic associated with specific servers within the bounded network.

In the same field of endeavor, Hu, related Network request Distribution Based on Static And Dynamic Performance Data, discloses in an analogous art, discloses *in Figs. 1, 13 that multiple network request managers 102 might be effectively used in different configurations, depending upon the requirements of the particular digital network environment 100... Where the volume of client request is greater than a single network request manager 102 can handle, several network request managers 102 might operate in parallel with each handling a portion of the volume (Hu, col. 15, line 61 – col. 16, line 12).*

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention made to have incorporated Wittsche-Teveler's teachings of the trading environment with the teachings of Hu, for the purpose of *providing the available processing capacity of each content server is measured without requiring special software to be installed in the content servers and without increasing network message traffic over and above that already required to process client requests (Hu, col. 2, lines 60-65).*

33. As to claim 27, Wittsche-Teveler-Hu discloses, wherein the capacity limitor comprises a static limitor (*Hu, col. 2, line 25 – col. 3, line 26; col. 11, line 36 – col. 13, line 21).*

Art Unit: 2142

34. As to claim 28, Wittsche-Teveler-Hu discloses, wherein the capacity limiter comprises a dynamic limiter (*Hu*, col. 2, line 25 – col. 3, line 26; col. 11, line 36 – col. 13, line 21).

35. As to claim 29, Wittsche-Teveler-Hu discloses, wherein the capacity limiter comprises an adaptive limiter (*Hu*, col. 2, line 25 – col. 3, line 26; col. 11, line 36 – col. 13, line 21).

36. As to claim 30, Wittsche-Teveler-Hu discloses a cross-enterprise system for retail environments comprising:

at least one component stored within a storage medium (*Wittsche*, Fig. 3, tem 118, col. 1, lines 45-60; col. 3, line 14-48; *Teveler*, pages 2, 3; paragraphs [0023]-[0034]); and

a plurality of distributed components operably associated with a cross-enterprise portal, the cross enterprise portal including the retail environment (*Wittsche*, Figs. 3, 4, col. 1, lines 45-60; col. 3, line 14-48; col. 4, line 49 – col. 5, line 11; *Teveler*, pages 2, 3; paragraphs [0023]-[0034]).

37. As to claim 31, Wittsche-Teveler-Hu discloses, wherein at least one of the distributed components comprises a utility component operable associated with a common service (*Teveler*, automobile service, food service, electronics service, office supply service, gas and electricity service).

38. As to claim 32, Wittsche-Teveler-Hu discloses, wherein at least one of the distributed components comprises a store component operable associated with a

Art Unit: 2142

retailer (*Wittsche, Figs. 3, 4, col. 1, lines 45-60; col. 3, line 14-48; col. 4, line 49 – col. 5, line 11; Teveler, pages 2, 3; paragraphs [0023]-[0034]*).

39. As to claim 33, Wittsche-Teveler-Hu discloses, wherein at least one of the distributed components comprises a department component (*Wittsche, Figs. 3, 4, col. 1, lines 45-60; col. 3, line 14-48; col. 4, line 49 – col. 5, line 11; Teveler, pages 10,11; paragraphs [0125]-[0129]*).

40. As to claim 34, Wittsche-Teveler-Hu discloses, wherein at least one of the distributed components comprises an aggregator component operable associated with at least one store component (*Wittsche, Figs. 3, 4, col. 1, lines 45-60; col. 3, line 14-48; col. 4, line 49 – col. 5, line 11; Teveler, pages 2, 3; paragraphs [0023]-[0034]; [0086]-[0090]*).

41. As to claim 35, Wittsche-Teveler-Hu discloses, wherein at least one of the distributed components comprises a shelf component operable to identify similar products (*Wittsche, Figs. 3, 4, col. 1, lines 45-60; col. 3, line 14-48; col. 4, line 49 – col. 5, line 11; Teveler, pages 2, 3; paragraphs [0023]-[0034]; pages 6, 7, paragraphs [0086]-[0099]*).

42. As to claim 36, Wittsche-Teveler-Hu discloses, wherein at least one of the distributed components comprises a product component operably associated with at least one retailer, the product component operably associated with a group of products (*Wittsche, Figs. 3, 4, col. 1, lines 45-60; col. 3, line 14-48; col. 4, line 49 – col. 5, line 11; Teveler, pages 2, 3; paragraphs [0023]-[0034]; pages 6, 7, paragraphs [0086]-[0099]*).

Art Unit: 2142

43. As to claim 37, Wittsche-Teveler-Hu discloses a method for providing a retail mall using a distributed components comprising:

providing at least one component operable associated with a mall (*Wittsche, Figs. 3, 4, col. 1, lines 45-60; col. 3, line 14-48; col. 4, line 49 – col. 5, line 11; Teveler, pages 2, 3; paragraphs [0023]-[0034]; pages 6, 7, paragraphs [0086]-[0099]*); and associating a distributed component with the component, the distributed component operable to be used in association with a user accessing the retail mall (*Wittsche, Figs. 3, 4, col. 1, lines 45-60; col. 3, line 14-48; col. 4, line 49 – col. 5, line 11; Teveler, pages 2, 3; paragraphs [0023]-[0034]; pages 6, 7, paragraphs [0086]-[0099]*).

44. As to claim 38, Wittsche-Teveler-Hu discloses, providing a session management component associated with the user accessing the retail mall (*Wittsche, Figs. 3, 4, col. 1, lines 45-60; col. 3, line 14-48; col. 4, line 49 – col. 5, line 11; Teveler, pages 2, 3; paragraphs [0023]-[0034]; pages 6, 7, paragraphs [0086]-[0099]*).

45. As to claim 39, Wittsche-Teveler-Hu discloses, providing a plurality of component layers operably associated with a plurality of retailers (*Wittsche, Figs. 3, 4, col. 1, lines 45-60; col. 3, line 14-48; col. 4, line 49 – col. 5, line 11; Teveler, pages 2, 3; paragraphs [0023]-[0034]; pages 6, 7, paragraphs [0086]-[0099]*).

46. As to claim 40, Wittsche-Teveler-Hu discloses, providing a product component operably associated with one of the components layers (*Teveler, categories*) (*Wittsche, Figs. 3, 4, col. 1, lines 45-60; col. 3, line 14-48; col. 4, line 49 – col. 5, line 11; Teveler, pages 2, 3; paragraphs [0023]-[0034]; pages 6, 7, paragraphs [0086]-[0099]*).

Art Unit: 2142

47. As to claim 41, Wittsche-Teveler-Hu discloses a providing a plurality of malls (*Wittsche, Figs. 3, 4, col. 1, lines 45-60; col. 3, line 14-48; col. 4, line 49 – col. 5, line 11; Teveler, pages 2, 3; paragraphs [0023]-[0034]; pages 6, 7, paragraphs [0086]-[0099]*).

48. As to claim 42, Wittsche-Teveler-Hu discloses re-using at least one the distributed components associated with the mall (*Wittsche, Figs. 3, 4, col. 1, lines 45-60; col. 3, line 14-48; col. 4, line 49 – col. 5, line 11; Teveler, pages 2, 3; paragraphs [0023]-[0034]; pages 6, 7, paragraphs [0086]-[0099]*).

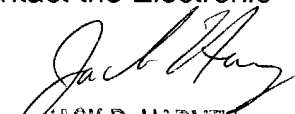
Art Unit: 2142

49. Further references of interest are cited on Form PTO-892, which is an attachment to this action.

50. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-0276. The examiner can normally be reached on 6:00-3:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER

Hai V. Nguyen
Examiner
Art Unit 2142

